APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,749	11/09/1999	JAMES R. WALKER	490334-016	7092

			EXAMINER
30074	7590	04/08/2004	YUAN, ALMARI ROMERO

TAFT, STETTINIUS & HOLLISTER LLP
SUITE 1800
425 WALNUT STREET
CINCINNATI, OH 45202-3957

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/436,749	WALKER, JAMES R.
	Examiner	Art Unit
	Almari Yuan	2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12 December 2004*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-12* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-12* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

1.   This action is responsive to communications: Amendment filed on 12/22/04.

2.   The rejection of claims 1-15 under the judicially created doctrine of obviousness-type

double patenting as being unpatentable over Gauthier has been withdrawn based on Applicant's

remarks and in light of newly found art.

3.   Claims 13-15 are cancelled. Claims 1-12 are pending in the case. Claims 1, 5, 7, 8, 9,

and 12 are independent claims.

Specification

4.   The abstract of the disclosure is objected to because the new Abstract is not a brief

narrative of the technical disclosure. Applicant copied the claimed limitations of independent

claim 1 to produce the Abstract. Correction is required. See MPEP § 608.01(b) for Sample

Abstracts.

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and
should include that which is new in the art to which the invention pertains. If the patent is of a
basic nature, the entire technical disclosure may be new in the art, and the abstract should be
directed to the entire disclosure. If the patent is in the nature of an improvement in an old
apparatus, process, product, or composition, the abstract should include the technical disclosure
of the improvement. In certain patents, particularly those for compounds and compositions,
wherein the process for making and/or the use thereof are not obvious, the abstract should set
forth a process for making and/or use thereof. If the new technical disclosure involves
modifications or alternatives, the abstract should mention by way of example the preferred
modification or alternative.

The abstract should not refer to purported merits or speculative applications of the
invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:
(1) if a machine or apparatus, its organization and operation;
(2) if an article, its method of making;
(3) if a chemical compound, its identity and use;
(4) if a mixture, its ingredients;
(5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   **Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paknad**

et al. (USPN 5,832,530 – filed 06/1997) in view of Motoyama (USPN 5,319,748 – issued

06/1994).

Regarding independent claim 1, Paknad discloses

monitoring first text string and second string defined a first and second page description

language text command in the specification for first and second special character or special string

of characters, the first and second special character or the first and second special string of

characters being indicative of a first and second special attribute (Paknad on col. 2, lines 50-55

teaches monitoring a first and second text string defined by a PDL file).

However, Paknad does not explicitly disclose "identification of a path defined by PDL

path command relationship.

Motoyama on col. 10, lines 4-10 teaches picture and pageset management whereby a

hierarchy is identified by a stack memory which provides a search path regarding pagesets.

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have applied Motoyama into Paknad, because of Motoyama's taught

advantage of path identification to provide a way of tracking variables to Paknad.

Regarding dependent claim 2, Paknad discloses:

predetermined relationship is satisfied by the path command being the first path

command to follow the text command in the specification (Paknad on col. 3, lines 33-66 teaches

text segments that are identified by interpretation of PDF commands).

Regarding dependent claim 3, Paknad discloses:

predetermined relationship is satisfied by the path command being grouped with the text

command in the specification (Paknad on col. 3, lines 32-41 teaches text segments identified by

interpretation of grouped PDF commands).

Regarding dependent claim 4, Motoyama discloses:

special attribute is associated with a first merge file and wherein the second special

attribute is associated with a second merge file (Motoyama on col. 3, lines 40-45 teaches

combining the content and structure within a pageset).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have applied Motoyama into Paknad because taught advantage of

margining, providing a way to combine the elements of Paknad.

Regarding independent claim 5, Paknad does not explicitly disclose "designating a path

defined in a page description language specification as a wrapping path". Motoyama on col. 10,

lines 4-10 teaches picture and pageset management whereby a hierarchy is identified by a stack

memory which provides a search path regarding pagesets. It would have been obvious to a

person of ordinary skill in the art at the time the invention was made to have applied Motoyama

into Paknad, because of Motoyama's taught advantage of path identification to provide a way of

tracking variables to Paknad.

processing the specification to produce a template bitmap, the template bitmap being a

bitmap or raster-data representation of a template image defined in the specification (Paknad on

col.1, lines 29-31 teaches characters codes can be rendered into bitmaps and/or pixel maps;

wherein a bitmap is a data structure);

associating a block of text (Paknad on col. 8, lines 25-30 teaches associating a block of

text);

associating an external bitmap (Paknad on col. 3, lines 7-11 teaches a boundary);

external bitmap boundary to the wrapping-path boundary, forming a composite boundary;

and a boundary and a predefined flow rule (Paknad on col. 11, lines 20-27 teaches a bitmap

representation using a boundary and rules; compare with claim 5(e-g)).

However, Paknad does not explicitly disclose merging files. Motoyama on col. 3, lines

40-45 teaches combining the content and structure within a pageset). It would have been

obvious to a person of ordinary skill in the art at the time the invention was made to have applied

Motoyama into Paknad because taught advantage of margining, providing a way to combine the

elements of Paknad.

Regarding dependent claim 6, claim 6 incorporates substantially similar subject matter as

claimed in claim 5 and is rejected under the same rationale.

Regarding independent claim 7, Paknad does not explicitly disclose "designating a path defined in a page description language specification as a wrapping path". Motoyama on col. 10, lines 4-10 teaches picture and pageset management whereby a hierarchy is identified by a stack memory which provides a search path regarding pagesets. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have applied Motoyama into Paknad, because of Motoyama's taught advantage of path identification to provide a way of tracking variables to Paknad.

having a boundary (Paknad on col. 3, lines 7-11 teaches a boundary);

defining first and second graphics states for the path (Paknad on col. 1, lines 29-31 teaches a graphic state);

associating a text file with the wrapping path, the text file including a first block of text separated from a second block of text (Paknad on col. 8, lines 25-30 teaches associating a text file);

processing the specification to produce a template bitmap, the template bitmap being a bitmap or raster-data representation of a template image defined by the specification (Paknad on col.1, lines 29-31 teaches characters codes can be rendered into bitmaps and/or pixel maps; wherein a bitmap is a data structure);

creating first and second bitmap representation of the first and second block of text by applying first and second graphics states to the first and second block of text; according to the boundary and according to the predefined flow rule, into the template bitmap (Paknad on col. 11, lines 20-27 teaches a bitmap representation using a boundary and rules).

However, Paknad does not explicitly disclose merging files. Motoyama on col. 3, lines 40-45 teaches combining the content and structure within a pageset). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have applied Motoyama into Paknad because taught advantage of margining, providing a way to combine the elements of Paknad.

Regarding independent claim 8, claim 8 incorporates substantially the same subject matter as claimed in claim 7 and is rejected under the same rationale.

Regarding independent claim 9 (and dependent claims 10-11), Paknad does not explicitly disclose "designating a path defined in a page description language specification as a wrapping path". Motoyama on col. 10, lines 4-10 teaches picture and pageset management whereby a hierarchy is identified by a stack memory which provides a search path regarding pagesets. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have applied Motoyama into Paknad, because of Motoyama's taught advantage of path identification to provide a way of tracking variables to Paknad.

having a boundary (Paknad on col. 3, lines 7-11 teaches a boundary);

defining graphics state (Paknad on col. 1, lines 29-31 teaches a graphic state);

processing the specification to produce a template bitmap, the template bitmap being a bitmap or raster-data representation of a template image defined by the specification (Paknad on col.1, lines 29-31 teaches characters codes can be rendered into bitmaps and/or pixel maps; wherein a bitmap is a data structure);

associating a text block with the wrapping path, the text blocks including a plurality of words and delimiter (Paknad on col. 8, lines 25-30 teaches associating a text file);

creating bitmap representation of the block of text by applying graphics state to the block

of text; merging the bitmap representation of the text, according to the boundary and according

to the predefined flow rule and according to the delimiter, into the template (Paknad on col. 11,

lines 20-27 teaches a bitmap representation using a boundary and rules).

However, Paknad does not explicitly disclose merging files. Motoyama on col. 3, lines

40-45 teaches combining the content and structure within a pageset). It would have been

obvious to a person of ordinary skill in the art at the time the invention was made to have applied

Motoyama into Paknad because taught advantage of margining, providing a way to combine the

elements of Paknad.

Regarding independent claim 12, Paknad does not explicitly disclose "designating a path

defined in a page description language specification as a wrapping path". Motoyama on col. 10,

lines 4-10 teaches picture and pageset management whereby a hierarchy is identified by a stack

memory which provides a search path regarding pagesets. It would have been obvious to a

person of ordinary skill in the art at the time the invention was made to have applied Motoyama

into Paknad, because of Motoyama's taught advantage of path identification to provide a way of

tracking variables to Paknad.

having a boundary (Paknad on col. 3, lines 7-11 teaches a boundary);

defining graphics state (Paknad on col. 1, lines 29-31 teaches a graphic state);

processing the specification to produce a template bitmap, the template bitmap being a

bitmap or raster-data representation of a template image defined by the specification; (Paknad on

col.1, lines 29-31 teaches characters codes can be rendered into bitmaps and/or pixel maps;

wherein a bitmap is a data structure);

associating a text block (Paknad on col. 8, lines 25-30 teaches associating a text file and a

template);

creating bitmap representation of the block of text by applying graphics state to the block

of text; merging the bitmap representation of the text, according to the boundary and according

to the predefined flow rule, into the template bitmap (Paknad on col. 11, lines 20-27 teaches a

bitmap representation using a boundary and rules).

However, Paknad does not explicitly disclose merging files. Motoyama on col. 3, lines

40-45 teaches combining the content and structure within a pageset). It would have been

obvious to a person of ordinary skill in the art at the time the invention was made to have applied

Motoyama into Paknad because taught advantage of margining, providing a way to combine the

elements of Paknad.

Response to Arguments

7.   Applicant's arguments with respect to claims 1-12 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Almari Yuan whose telephone number is 703-305-5945. The

examiner can normally be reached on Mondays - Fridays (8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Feild, can be reached on 703-305-9792. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AY
April 3, 2004

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER